



EXPEDITED PROCEDURE – EXAMINING GROUP 2822

S/N 10/774,923

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Qing Ma	Examiner:	Roy K. Potter
Serial No.:	10/774,923	Group Art Unit:	2822
Filed:	February 9, 2004	Docket No.:	884.803US2
Title:	DIRECT BUILD-UP LAYER ON AN ENCAPSULATED DIE PACKAGE HAVING A MOISTURE BARRIER STRUCTURE		
Assignee:	Intel Corporation	Customer Number:	21186

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in this application. No amendments are being filed herewith. This request is being filed with a Notice of Appeal. Review is requested for the reason(s) stated below.

1. The §102 Rejection of the Claims over Higuchi

Claims 20 and 29 were rejected under 35 USC § 102(b) as being anticipated by Higuchi et al. (U.S. 5,311,500). Applicant respectfully traverses this rejection and requests the Office to consider the following.

Applicant has selected a phrase that means “near, but not at the edge”. This phrase is “proximate said packaging material edge”. Each usage of this terminology and each illustration in Applicant’s disclosure is consistent with “not at the edge, but next or following”. Applicant may be his own lexicographer, which Applicant has done in the instant patent application.

A recent *En Banc* decision by the Federal Circuit emphasizes the quality of intrinsic evidence as the first recourse to determine the scope of what is claimed. Quoting M.P.E.P. § 2111.01, it states

The meaning of a particular claim term may be defined by implication, that is, *according to the usage of the term in context in the specification*. See *Phillips v. AWH Corp.*, ___ F.3d ___, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc)

(M.P.E.P. § 2111.01, 8th Ed., Rev. 4. Emphasis added). Throughout the specification, the intrinsic evidence of the claim term “proximate” is illustrated as meaning “near, but not at the edge”.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), M.P.E.P. §2131, 8th Ed., Rev. 1).

The Office Action asserts that the moisture barrier 5a of Higuchi et al. “is formed on the dielectric layer proximate to the edge of the substrate.” (Office Action at page 2). Applicant respectfully asserts that Higuchi’s moisture barrier 5a is everywhere exactly “at the edge” of the substrate. This means Higuchi’s moisture barrier 5a cannot be anywhere “proximate” as Applicant has selected to use this word. Claim 20 requires the limitation of

forming at least one first barrier structure on said first dielectric material layer *proximate* said at least one substrate edge.

Thus, the intrinsic evidence in Applicant’s disclosure reveals that “proximate” is never exactly at the edge, whereas Higuchi’s teachings are always exactly at the edge.

The M.P.E.P. also states (as the rest of the above-cited paragraph) that the “specification should also be relied on for more than just explicit lexicographer or clear disavowal of claim scope to determine the meaning of a claim term when applicant acts as his or her own lexicographer.” (M.P.E.P § 2111.01, citations omitted).

Applicant first respectfully asserts that the “Field of the Invention” “relates to apparatus and processes for packaging microelectronic dice.” (Instant application at page 1). But Higuchi explicitly states the field of his invention “relates to a magneto-optical disk for large-capacity information storage” (Higuchi at column 1, lines 11-12). Accordingly, the fields of the invention are disparate and the term “proximate” cannot be applied to Higuchi in the same meaning as in the instant claims.

Applicant second respectfully asserts that the Specification is consistent in placing the moisture barrier inside the structure such that “proximate said at least one substrate edge” is

always internal to the structure, and next preceding the edge, but it is not external at the edge itself as exclusively shown in Higuchi. And by applying the first principal stated in M.P.E.P. § 2111.01, Higuchi's disclosure as useful to define "proximate" is disqualified in any event because it is from a disparate field of invention. Withdrawal of the rejections is respectfully requested.

Applicant also respectfully asserts that, Applicant's specification being internally consistent to define as its own lexicographer the meaning of "proximate", nowhere can the term "promixate" (Proximate 2. very near: close) mean "exactly at". And "exactly at" is the only teaching of Higuchi. Withdrawal of the rejections is respectfully requested.

Allowable Subject Matter

Claims 21-28 and 30-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant gratefully acknowledges such provisional indication of allowability, but respectfully asserts that Higuchi et al. is not a proper reference to define the term "proximate" due to its placement in a disparate field of invention. Withdrawal of the objections is respectfully requested.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, John Greaves at (801) 278-9171 or the below-signed attorney to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Feb 6, 2006

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of February 2006.

Chris Hammond

Name

Signature